



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,796	06/29/2001	Gadiel Seroussi	10004573-1	8283

7590 03/24/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80528-9599

EXAMINER

ARANI, TAGHI T

ART UNIT PAPER NUMBER

2131

5

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,796

Applicant(s)

SEROUSSI ET AL.

Examiner

Taghi T. Arani

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-12 were pending for examination.

Claims 13-19 are newly added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention

. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 and 19 recite "the method of claim 17". Claim 17 is an apparatus claim . That is , a security badge. Method claims should not be depending from an apparatus claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record, de la Huerga (U.S. Pat. No. 5,960,085) and further in view of de la Huerga (U.S. Pat. No. 6,346,886).

As per claims 1, 7 and 13, de la Huerga is directed to a system utilizing a personal identification badge to collect data and to provide access to a computer terminal, see abstract.

Art Unit: 2131

In a preferred embodiment of de la Huerga, each computer terminal with access to a database on a computer network (i.e. a plurality of connected computers) is equipped with a device (i.e. a transceiver) for wireless information exchange with a security badge, using infrared transmitters and detectors. To access a computer terminal, a system user defined as one who is wearing and is authorized to wear a security badge, positions himself in front of computer terminal where the computer terminal transmits "interrogation" signals to detect, authenticate, and establish communication with the security badge, see col. 4, lines 40-58.

de la Huerga teaches a security verification system of the network (i.e. administrative computer) which authenticates the access privileges (i.e. level of access) of the system user.

de la Huerga further teaches that if the security badge is authenticated through a cryptographic exchange, the system user is automatically logged onto the network and that the computer terminal displays the system user's own customized startup page through an interactive, hypertext-capable browser interface where the system user may do anything consistent with the access privileges associated with the security badge, see col. 4, lines 59-65, see also col. 11, lines 30-45.

de la Huerga security badge includes a processor, a battery, real-time clock, memory element, audio alerting device, infrared transmitter and detector device. The security badge further includes means (non-volatile memory) for storing, see col. 10, lines 35-44, see also Fig. 6.

U.S. Pat. '085 of de la Huerga fails to teach a badge with "*an attachment sensor for detecting the removal of ... badge from the individual*" and that "*attachment sensor causing information stored in volatile memory to be rendered unreadable when .. attachment sensor detects ... removal*"

However, U.S. Pat. No. ' 886 directed to de la Hueraga discloses an electronic identification apparatus (i.e. a badge) having data storage memory on board a removable transceiver device, see abstract. The transceiver disclosed in U.S. Pat. No. ' 886 includes a processor and a transponder for receiving information pertaining to the object/person to which it is attached. The transceiver also transmits stored data to a control computer (i.e. administrative computer) or the external devices. The transceiver is mounted on a base, such as a wristband, and the apparatus includes an attachment sensor indicating whether the transceiver is attached to the base. U.S. Pat. No. ' 886 further discloses that if the transceiver has been removed from the base, the processor performs one or more lockdown operations to prevent the stored data from being used in connection with another object or person and that the lockdown operations include clearing the contents of the memory, disabling access to the memory, suppressing the display of stored data and activating an alarm.

It would have been obvious to one ordinary skill in the art to modify the security badge disclosed in U.S. pat. ' 085 to that of '886 used as patient identification mechanism to make it difficult to remove the badge from the bracelet so that it can not inadvertently be removed, dislodged or replace while secured to a patient, see col. 4, line 62 through col. 5, line 11.

As per claims 2 and 14, U.S. pat. '085 teaches this, see col. 12, lines 3-31, see also col. 13, lines 46-65.

As per claims 3-6, and 15, U.S. Pat. '085 teaches these, see col. 12, line 58 through col. 13, line 9.

As per claim 8, U.S. Pat. '085 teaches this, see col. 13, lines 47-65.

As per claims 9 -10, U.S. Pat. '085 teaches that computer terminal transmits an interrogation signal fashioned from a private key of the security verification system of the computer network, a large random number (i.e. a security code) and other identification

Art Unit: 2131

information unique to the security verification system, col. 11, lines 46-58 through col. 12, lines 31, where the security badge intercepts, processes, and returns a part of the interrogation signal in a re-encrypted form as a return response. The computer terminal then decrypts the return response and authenticated using the public key of the security badge.

U.S. Pat. '085 teaches that after completion of the data transferred by the security badge to the computer terminal, the computer terminal periodically poll the security badge with recommitment signals, see col. 13, lines 46 through col. 14, line 12.

U.S. Pat. '085 further teaches that the computer terminal waits for a predetermined interval and transmits a recommitment signal and probes for a response signal and if there is a recommitment response signal, its content is evaluated.

As per claim 11-12 and 16, U.S. Pat. '085 teaches an idle/link counter maintained by the security verification system whose value relative to the logon event is incremented (i.e. changes), see col. 14, line6-12. That is to say, recommitment signal of U.S. Pat. '085 with an idle/link counter to periodically polling the security badge is clearly suggests that the second code changes each time and that the information loaded to the security badge is periodically changed, see also col. 14, lines 13-41.

Claim 17 is an apparatus corresponding to method claim 13. Claim 17 is rejected for the same reasons stated in the statement of rejection of claim 13 above.

Claim 18 recites all limitations of claim 15. Claim 18 is rejected for the same reasons provided in the statement of claim 15 above.

Claim 19 recites limitations of claim 14. Claim 19 is rejected for the same reasons provided in the statement of rejection of claim 14 above.

Art Unit: 2131

Applicant's arguments filed on 1/6/2004 regarding the rejection of the claims 1-12 under 35 U.S.C. 103() have been fully considered but they are not persuasive.

As per Applicant argument relating to de la Huerga ('805) reference, the Applicant Argues that "the security badge authentication aspect of de la Huerga does not meet "the causing limitation of claim 1., see page 7, 6th paragraph. The Examiner disagree, as stated in the rejection of claim 1, de la Huerga teaches that "if the security badge is authenticated through a cryptographic exchange, the system user is automatically logged onto the network and that the computer terminal displays the system user's own customized startup page through an interactive, hypertext-capable browser interface where the system user may do anything consistent with the access privileges associated with the security badge, see col. 4, lines 59-65, see also col. 11, lines 30-45, emphasis added. That is, the cryptographic exchange (transmitting and loading /receiving information) between the security badge and the security verification system of de la Huerga causes the security verification system to transmit(or load) identification information unique to the security verification system, col. 11, lines 46-58 through col. 12, lines 31, where the security badge intercepts, processes, and returns a part of an interrogation signal in a re-encrypted form as a return response . This clearly suggests that as part of information exchange, the level of access (consistent with the access privileges) to the network by the security badge is specified. This further suggests "transmission of information from the administrative computer to the badge" as argued by the applicant, page 8, 1st paragraph.

As per Applicant's argument relating to de la Huerga '866 reference, the Applicant argues if the '866 apparatus can be termed a "badge", page 8, 5th paragraph and that such device requires the use of a specialized contact design to determine when it has been removed from the individual and that placement of contacts and other devices to secure the badge to the person

Art Unit: 2131

would not operate either as claimed or in generally desirable manner. The Examiner responds that the limitations or lack of argued by the applicant is not claimed. Furthermore, the '866 apparatus is an electronic identification apparatus (see '866 abstract) and that the '866 reference is used as 103 reference for its attachment sensor(well known in the art) to indicate whether a transceiver(of a security badge) is attached to the base.

The Applicant disputes the combination of the two reference. The Examiner responds that the motivation to combine was clearly suggested by the references as address in the previous office action and that the Applicant doe not provide a proper challenge to the combination of two references.

Action is Final

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from examiner should be directed to Taghi Arani, whose telephone number is (703) 305-4274. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

Art Unit: 2131

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax numbers for the organization where this application is assigned are:

After-final (703) 746-7238


Official (703) 746-7239

Non-Official/Draft (703) 746-7240

Taghi Arani

Patent Examiner

March 18, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100